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Letter dated 20 October 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 20 October 2005, addressed to you by Mr. Reşat Çağlar, Representative of the Turkish Republic of Northern Cyprus, forwarding the letter of Mr. Mehmet Ali Talat, President of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the present letter, including the text of Mr. Talat's letter, could be circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(*Signed*) Ersin **Erçin**
Minister Counsellor
Deputy Permanent Representative
Chargé d'affaires a.i.

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Annex to the letter dated 20 October 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

I have the honour to convey herewith a copy of a letter dated 12 October 2005 addressed to you by Mehmet Ali Talat, President of the Turkish Republic of Northern Cyprus (see enclosure).

I would be grateful if the text of the present letter and its enclosure could be circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(*Signed*) Re at **Çağlar**
Representative
Turkish Republic of Northern Cyprus

Enclosure

I am writing to you with a sense of foreboding for the future in the face of the fast increasing maltreatment of Turkish Cypriots visiting South Cyprus as a result of the rising trend of racism, chauvinism and ultra-nationalism among the Greek Cypriots.

As you would remember, the crossings between the North and the South have become possible following our unilateral and courageous step to open the border for reciprocal crossings on 23 April 2003. Since then, more than seven million crossings have taken place (Security Council resolution 1604 (2005) dated 17 June 2005). Encouraged by the volume, as well as the absence of a major incident experienced during reciprocal visits until last year, we increased our efforts to open additional points to make crossings easier and more convenient for both Turkish Cypriots and Greek Cypriots. In line with this understanding, and despite numerous delaying tactics employed by the Greek Cypriot leadership, most recently, on 31 August 2005, we have opened Bostanci (Zodhia) gate to the west of the island where there was no crossing point. We continue to believe that contacts between the two peoples of the island is vital for reconciliation and better understanding between the two sides.

However, following the simultaneous referenda held in Cyprus on the comprehensive settlement plan of the United Nations Secretary-General on 24 April 2004, which was overwhelmingly accepted by the Turkish Cypriot people and resoundingly rejected by the Greek Cypriot side at the behest of their leadership, the peaceful nature of the reciprocal visits fast deteriorated, and we have observed, with great concern, the rising trend of racism, chauvinism and ultra-nationalism against the Turkish Cypriots visiting the South. It should be underlined at this point that since the inception of the reciprocal crossings, almost no incident against the Greek Cypriots visiting North Cyprus has been witnessed.

On the other hand, the Greek Cypriot authorities and civilians are increasingly harassing the Turkish Cypriot people visiting the South. Some examples of the ongoing policy of cruel, inhuman and degrading treatment of Turkish Cypriots are listed below.

In July 2004, inmates at Nicosia's central prison in Southern Cyprus managed to smuggle out a petition signed by 50 Turkish Cypriot and non-Cypriot prisoners to the Greek Cypriot daily *Cyprus Mail*, accusing the authorities at the jail of "institutional racism". The petition contained information by a Turkish Cypriot inmate that Turkish Cypriot prisoners were regularly subjected to violence by Greek Cypriot inmates and that wardens were unsympathetic to their calls for protection. He complained that the way Turkish Cypriot and foreign prisoners are treated compared to their Greek Cypriot inmates is different in every aspect of prison life. Furthermore, he complained about wardens joining in the violence against non-Greek Cypriot inmates and sexual abuse of foreigners by Greek Cypriot inmates (Greek Cypriot daily, *Cyprus Mail*, dated 20 July 2004).

The established practice of maltreatment of Turkish Cypriots in the Greek Cypriot prisons was also confirmed in the report [CommDH(2004)2] of Mr. Alvaro Gil-Robles, the Commissioner of Human Rights of the Council of Europe, dated 12 February 2004, in which it was stated and I quote: "Several allegations of maltreatment of prisoners by police officers have been received. This included kicks

and punches to the body and the head; death threats with a pistol held to the head; electrical shocks to various parts of the body. In some cases, the severity of the instances of maltreatment was such that they could be designated as torture. The European Court moreover found in two judgements (Egmez v. Cyprus of 21 December 2000 and Deniz and others v. Cyprus of 23 May 2001) that inhuman treatment had been inflicted by the police on Turkish Cypriots".

The maltreatment of the Turkish Cypriots in Southern Cyprus is not only confined to Greek Cypriot prisons. On 10 December 2004, Mr. Hamit Soyel and his fiancée Ms. Zehra Susuz were chased, harassed, threatened with death and guns were fired at their car by Greek Cypriots dressed in civilian clothes while travelling around Ayia Napa in Southern Cyprus. Instead of arresting the suspects who carried out the attack, the Greek Cypriot police detained Mr. Soyel and Ms. Susuz, rummaged their car as if they were criminals and they were put into jail. After their arrest, the Greek Cypriot police tried to fabricate charges against them. However, they could only fine them with traffic offence and they were subsequently released by the Greek Cypriot court. Additionally, it was revealed during the court proceedings that the men who fired at them were actually Greek Cypriot police dressed in civilian clothes (Turkish Cypriot daily, *Halkin Sesi*, dated 21 December 2004).

On 29 July 2005, in South Cyprus, a group of five Greek Cypriots, members of the Greek Cypriot ultra-nationalist group Chrysi Avghi (Golden Dawn), asked to a gathering of four men sitting in a café (one of them a Turkish Cypriot, Mr. Sadik Aktan) why were they speaking in English instead of Greek and when they were told that one of them could not speak Greek, they demanded to be told his nationality. When they learned that he was a Turkish Cypriot, they severely beat him up as well as his Greek Cypriot companions. One of the attackers, Mr. Christodoulos Nicolaides, was arrested, however the suspect was later released on bail (Greek Cypriot daily, *Cyprus Mail*, dated 2 and 6 August 2005). Interestingly, during the court proceedings, one of the companions of Mr. Aktan, who was also beaten up in the incident, surprisingly withdrew his complaint and told the court that he was not able to identify Mr. Christodoulos Nicolaides as one of the attackers (Greek Cypriot daily, *Cyprus Mail*, dated 21 September 2005). The fact that another legal proceeding is under way against Mr. Christodoulos Nicolaides for verbal and physical attack against a Turkish Cypriot family corroborates the view that this is not an isolated event. In this incident, Mr. Veysel Toksoy and his son were attacked, in the presence of his wife and children, by Mr. Nicolaides, at a fountain in Trodoos where they had stopped to eat their lunch on the way back to Nicosia after a day trip (Greek Cypriot daily, *Cyprus Mail*, dated 23 September 2005).

Another case, which was not published in newspapers, but brought to the information of the Turkish Cypriot authorities, is the situation of Mr. Gökçe Malek. On 1 August 2005, Mr. Malek, a Turkish Cypriot youngster driving in the southern part of Nicosia, was stopped and severely beaten up by the Greek Cypriot policemen dressed in civilian clothes and was put into prison. He was unaware on what grounds he was stopped and beaten up by the police as they spoke to him only in Greek. He tried to explain himself in English but to no avail. He spent two nights in prison without access to his family or a lawyer. When he was finally put to trial, the Greek Cypriot judge insulted him after his lawyer informed the court that the defendant was a student, preparing for his exams in a Turkish Cypriot university.

The judge retorted that "there can be no university in a territory which is illegal and under occupation. It is a pseudo university in a pseudo State". For the sake of his early release from detention and to end his ordeal at the hands of the Greek Cypriot police, Mr. Malek succumbed to his fear and pleaded guilty for dangerous driving and resisting to the police. Subsequently, he was fined and released by the Greek Cypriot court.

On 11 August 2005, four tourist buses, which were regularly used to transport tourists from the Greek Cypriot resort Ayia Napa to the Turkish Cypriot side of the island, were set on fire and completely destroyed (Greek Cypriot daily, *Cyprus Mail*, 12 August 2005). The perpetrators of this incident are still at large.

Recently, according to the Greek Cypriot daily *Alithia* dated 1 October 2005, a 62-year-old Turkish Cypriot named Vedat Bink ylü, while travelling with his car in the Greek Cypriot part of Nicosia, was chased by a car manned by three Greek Cypriots who forced him to stop for no apparent reason. Subsequently, the men assaulted him and badly damaged his car. Upon the complaint of Mr. Bink ylü to the Greek Cypriot police, a Greek Cypriot named Mr. Yoannis Aristidu was detained and later identified as one of the perpetrators by the victim. The newspaper also highlighted the rising trend of attacks against the Turkish Cypriots and pointed out that the number of attacks towards the Turkish Cypriots in South Cyprus are much more than the complaints that have been conveyed to the Greek Cypriot police (Greek Cypriot daily, *Alithia*, 1 October 2005).

Lately, T-shirts sporting a racist and chauvinist slogan "A good Turk is the dead Turk" worn by the Greek Cypriot soldiers during 1990s, have again reappeared in Greek Cypriot National Guard camps in South Cyprus. This time, there was a minor change in the slogan, "The only good Turk is the dead Turk".

It should be remembered that to promote nationalism among the Greek Cypriots, the Greek Cypriot administration has declared 2005 as the "Year for the Remembrance and Honouring of EOKA Liberation Struggle". As is known, EOKA, which took different forms and names from 1955 to 1974 was a Greek Cypriot ultra-nationalist organization responsible for the killing of many Turkish Cypriots and British Citizens as well as Greek Cypriots, who disagreed with its ultimate goal of the annexation of the island to Greece (enosis). It has been observed that during the leadership of Mr. Tassos Papadopoulos, who was unfortunately one of the masterminds of EOKA, campaigns to increase sympathy for EOKA and to promote it among the Greek Cypriot youth have increased considerably. We have also observed with great concern that all EOKA members, including murderers, were declared as heroes and honoured with decorations by the Greek Cypriot leadership.

Such incidents witnessed in South Cyprus based on racism, extremism and ultra-nationalism constitute a gross violation of the fundamental human rights, in particular of article 14 of the European Convention on Human Rights and Fundamental Freedoms of the Council of Europe as well as article 21 of the Charter of Fundamental Rights of the European Union, which among other things, clearly obligate States not to discriminate individuals on the grounds of race and ethnic origin. The respect for human rights and fundamental freedoms and the rule of law are among the basic founding principles of the European Union, which should be embraced by all Member States, including the Greek Cypriot administration.

Therefore, we call on the international community, and in particular the European Union, to urge the Greek Cypriot leadership to take necessary steps for the immediate cessation of all forms of discriminatory acts against Turkish Cypriots based on racism, chauvinism and ultra-nationalism, which emanate from decades-old Greek Cypriot policy of dominating the island at the expense of the legitimate rights of the Turkish Cypriot people enshrined in international treaties.

The Turkish Cypriot people, nonetheless, are determined to continue to tread the path of unification in the island. It is obvious that the good will of one side is not enough for achieving progress towards that end, particularly at a time when the tolerance against the Turkish Cypriot people in the Greek Cypriot administered South Cyprus is fast deteriorating.

In conclusion, as the Turkish Cypriot side, I would like to reiterate our commitment to finding a peaceful solution to the Cyprus problem and underline, once again, that with a view to reaching that goal, we are ready for the resumption of negotiations on the basis of the Annan Plan under the good offices mission of the United Nations Secretary-General.

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(*Signed*) Mehmet Ali **Talat**
President